

**PUBLIC CHAPTER NO. 1028**

**SENATE BILL NO. 3122**

**By Burchett**

**Substituted for: House Bill No. 4011**

**By Armstrong, Shaw, Pitts**

AN ACT to amend Tennessee Code Annotated, Title 53 and Title 63, relative to dispensing of certain drugs in federally qualified health centers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 10, is amended by adding the following as a new section in a new Part 6:

63-10-601.

(a) As used in this section, unless the context otherwise requires:

(1) "Federally qualified health center" means such entities as they are defined in §§ 1905 and 1861 (aa) of the federal Social Security Act.

(2) "Telepharmacy in federally qualified health centers" means a federally qualified health center central pharmacy with one or more federally qualified health center remote sites in which all sites are connected via computer link, videolink, and audiolink.

(b) Notwithstanding any other provision of this chapter, in a federally qualified health center (FQHC) pilot project, as authorized in this section, a registered pharmacy technician, employed by the FQHC, is authorized to issue prescription drugs which have been filled by a pharmacist employed by the FQHC and delivered to the FQHC satellite clinic by an agent of the FQHC. The issuance of the prescription drugs may occur without the physical, on-site supervision of an on-duty pharmacist only under the conditions as provided in subsection (c). Registered pharmacy technicians performing services authorized in this section shall be permitted to function under the supervision of the FQHC pharmacist by means of telepharmacy with at least one (1) monthly on-site visit to review inventory controls, accountability, security, storage, and issuance.

(c) In a federally qualified health center (FQHC) pilot project, as authorized in this section, a registered pharmacy technician is authorized to issue prescription drugs to a patient of the FQHC and offer counseling

by a pharmacist by means of telepharmacy. The FQHC pharmacist may provide patient counseling and supervision of the registered pharmacy technician when on duty at the pharmacy practice site of a federally qualified health center.

(d) It is the intent of the general assembly that this section shall comply with all applicable requirements of the federal 340B drug pricing program and shall apply exclusively to the uninsured or underinsured income-eligible patients of the federally qualified health centers participating as defined in subsection (e) for whom the prescription is not covered by third-party reimbursement.

(e) On or after July 1, 2008, the Department of Health and the board of pharmacy shall identify one (1) federally qualified health center (FQHC) for a voluntary pilot program originating in a county located in the eastern grand division of the state in order to implement the telepharmacy provisions at no more than two (2) eligible satellite clinics as described in this section. The eligible FQHC shall have an on-site pharmacy in one location, eligible satellite clinics; be responsible for all costs associated with the telemedicine equipment and connectivity; have at least one (1) year of experience with telemedicine, adequate technical support, appropriate staffing, access to the patient's medical record; and participate in the 340B drug pricing program. Only the approved pilot program in the federally qualified health center shall be eligible for the supervision, delivery, and issuance of prescription drugs to qualified patients as defined in subsection (d). Said pilot program is not authorized to deliver or issue pharmaceutical products defined elsewhere as Schedule I, II, III, or IV drugs. The pilot program shall report information regarding patient satisfaction and safety to the board of pharmacy, the House Health and Human Resources Committee, and the Senate General Welfare Health and Human Resources Committee by February 1, 2010. If the board of pharmacy determines that data demonstrates the pilot is successful, then the board may expand the project beyond the one (1) FQHC to as many FQHCs as it deems appropriate.

SECTION 2. The board of pharmacy shall adopt, amend and repeal rules for the proper administration and enforcement of Parts 2-5 of this chapter consistent with the provisions of Section 1. The rules shall be adopted, amended or repealed in accordance with the Tennessee Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. For the purposes of promulgating rules, this act shall take effect on becoming law, the public welfare requiring it, and for all other purposes shall take effect July 1, 2008, the public welfare requiring it.

**PASSED: May 7, 2008**



RON RAMSEY  
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 28th day of May 2008**



PHIL BREDESEN, GOVERNOR